

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

LAWRENCE K. BUTCHER and  
JENNIFER BUTCHER

PLAINTIFFS

vs.

CIVIL ACTION NO.: 1:06cv423KS-MTP

ALLSTATE INSURANCE COMPANY

DEFENDANTS

AND

R.H. CONSTRUCTION, INC.

INTERVENOR

**BUTCHERS' MOTION IN LIMINE TO  
EXCLUDE TESTIMONY AND EVIDENCE  
OF JOE CRAWFORD AND THE STATE CRIME LAB**

COME NOW, the Plaintiffs, Lawrence K. Butcher and Jennifer Butcher, by and through counsel, and files this, their Motion in Limine to exclude from evidence certain information and testimony set out herein:

1. On or about November 9, 2004, Deputy State Fire Marshall Joe Crawford prepared a document styled "Investigative Report" under File No. 04-0506 in the Office of the Fire Marshall of the State of Mississippi which contained a summary of his findings with respect to the fire at the residence of the Plaintiffs located at 298 Salem Road, Picayune, Mississippi.

2. In paragraph 8 of the report, Mr. Crawford includes the following language:

The fire has been ruled incendiary in nature due to the owner pouring some type of liquid accelerant in the upstairs area of the home on the southwest side toward the carport area of the structure and exiting the structure from the stairwell after introducing it to an open flame and causing it to ignite and sustain a working fire that caused the entire

upstairs section to become engulfed with flames before fire was introduced to the downstairs area of the home.

3. There are no reliable data or facts which support Mr. Crawford's conclusory allegation that "the owner" (who is the Plaintiff) poured "some type of liquid accelerant in the upstairs area", exited "the structure from the stairwell after introducing it to an open flame and causing it to ignite" or, did anything to cause or contribute to the burning of the dwelling.

4. On May 26, 2005, Forensic Scientist Sharron R. Jones, of the Mississippi Crime Laboratory, prepared a report in connection with her examination of fire debris samples which were submitted to the laboratory in the case. In that report, Sharron R. Jones made the following statement:

Heavy petroleum products were identified. The heavy petroleum products identified may be the result of a combination of advanced incorporation of the gasoline and a fuel such as kerosene or a combination of two heavy petroleum products.

5. The conclusions that "gasoline" and "a combination of two heavy petroleum products" were present in the fire debris are simply not supported by sufficient facts or data and are not the product of reliable principles and methods but are rather the products of pure speculation, guesswork and conjecture and are thus inadmissible under the provisions of Rule 702, Federal Rules of Evidence.

6. Testimony as to these conclusions would further result in unfair prejudice to the Plaintiffs and confusion of the issues and would tend to mislead the jury, in violation of Rule 403, Federal Rules of Evidence.

7. The nature of the aforesaid testimony is such that its adverse effects could

not be cured by the Court's sustaining a contemporaneous objection thereto.

8. Permitting such testimony to be received would otherwise deprive the Plaintiffs of their right to a fair trial as guaranteed them by the State and Federal Constitutions.

THIS, the 30<sup>th</sup> day of January, 2009.

Respectfully submitted,

LAWRENCE K. BUTCHER AND JENNIFER BUTCHER

BY: /s/ Thomas W. Prewitt

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THEIR ATTORNEY

**CERTIFICATE OF SERVICE**

I, THOMAS W. PREWITT, do hereby certify that I have electronically filed a true and correct copy of the above and foregoing with the Clerk of the court using the ECF system which sent notification of such filing to:

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THIS, the 30<sup>th</sup> day of January, 2009.

/s/Thomas W. Prewitt  
THOMAS W. PREWITT